

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THE VACCINE CENTER LLC, d/b/a
 THE VACCINE CENTER AND TRAVEL
 MEDICAL CLINIC

Plaintiff,

vs.

GLAXOSMITHKLINE LLC, et al.,

Defendants.

Case No. 2:12-cv-01849-JCM-NJK

ORDER DENYING WITHOUT
 PREJUDICE MOTION TO SEAL
 (Docket No. 30)

Before the Court is Defendant Apex, Inc.'s motion to file certain documents under seal, Docket No. 30, which is hereby **DENIED** without prejudice. A party seeking to file a confidential document under seal must comply with the Ninth Circuit's directives in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006). The Ninth Circuit has held that there is a presumption of public access to judicial files and records and that parties seeking to maintain the confidentiality of documents attached to nondispositive motions must show good cause exists to overcome the presumption of public access. *See Kamakana*, 447 F.3d at 1179. Parties seeking to maintain the secrecy of documents attached to dispositive motions must show compelling reasons sufficient to overcome the presumption of public access. *Id.* at 1180.

The parties neither cite *Kamakana* nor explain why the standards it provides do not apply to the pending motion to seal. Indeed, Defendant's motion provides no standard whatsoever and consists of only conclusory assertions regarding the exhibits at issue. *See* Docket No. 30 at 2:1-2:8. Conclusory assertions are not sufficient to overcome the presumption of public access.

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1 As Defendant provides no authority that the standards in *Kamakana* do not apply and
2 provides an insufficient showing that the standards in *Kamakana* are met, the motion to seal is
3 **DENIED** without prejudice. No later than February 28, 2013, Defendant shall either (1) file
4 Exhibits A and B to its motion to dismiss on the docket publicly or (2) file another motion to seal
5 properly discussing the applicable standards.¹

6 IT IS SO ORDERED.

7 DATED this 20th day of February, 2013.

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11 NANCY J. KOPPE
12 United States Magistrate Judge
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28 ¹ If a renewed motion to seal is filed, copies of the relevant exhibits shall be provided to the
chambers of the undersigned Judge.